

VZCZCXRO1091
RR RUEHIK
DE RUEHLO #2428 3001056
ZNR UUUUU ZZH
R 271056Z OCT 09
FM AMEMBASSY LONDON
TO RUEHC/SECSTATE WASHDC 3818
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE

UNCLAS LONDON 002428

SIPDIS

STATE PASS USTR FOR TANUJA GARDE AND DAWN SHACKLEFORD

E.O. 12958: N/A
TAGS: [ECON](#) [ETRD](#) [EUN](#) [KIPR](#)
SUBJECT: UK RESPONSE TO GI AND CBD DEMARCHE

REF: SECSTATE 104985

¶1. (U) Post delivered Reftel points to HMG counterparts in the Department for Environment, Food and Rural Affairs (Defra), Department for Business, Innovation and Skills (BIS) and the UK's Intellectual Property Office (UKIPO) all of which coordinate to establish the UK position on geographic indicators (GIs) and the Convention on Biological Diversity. The UK's response was to encourage the U.S. to pursue negotiations with the European Commission on issues of trade and intellectual property as the Commission has the competence in these areas. However, our interlocutors did indicate the UK's preferences in some of areas and posed questions about the U.S.' willingness to move away from the position laid out in talking points, noting that there appears to be little change from previous U.S. positions on these matters.

Geographic Indicators

¶2. (U) Officially, the UK is generally supportive of the current EU position on GIs both in terms of the register and extension, noting the benefits to other EU member states as well as its domestic industry for producers such as Scotch Whiskey, and (upon extension) for developing countries on commodities such as coffee, rice and teas. (Comment: Our interlocutors indicated the UK is really largely ambivalent about any extension, but reiterated that it is not within their competence to decide the issue, hence official UK support of the Commission position. End Comment.)

The CBD, Genetic Resources and Traditional Knowledge

¶3. (U) The World Intellectual Property Organization (WIPO) is the UK's preferred forum for discussion of genetic resources and traditional knowledge as the issues are technically complex and they believe only WIPO has the necessary expertise to tackle them appropriately. The UK hopes that with the September 2009 mandate renewal for the Intergovernmental Committee on Intellectual Property and Genetic Resources (IGC) at WIPO, talks can progress more productively than before. Within the framework of the deal on the Doha Round the UK would be prepared to live with a disclosure requirement but would not want it to go further, i.e. no prior informed consent etc., creating too much of a burden on patent examiners. It remains a priority that patents remain an incentive for innovation. HMG feels that the EC's proposal to WIPO for mandatory disclosure of origin as a formal requirement in patent applications (but with no requirement for evidence of prior informed consent or fair and equitable benefit sharing) is sufficient. The UK also believes that any sanctions should be completely outside the patent system.

Additional Questions

¶4. (U) In responding to the demarche, HMG representatives asked for an indication as to which issues, GI or CBD, were a greater priority for the U.S. and what issues the U.S. might

be willing to revisit again. On the Convention on Biological Diversity itself, they were curious as to the U.S. opinion of how negotiations were going overall, and more precisely, on the question of ensuring compliance. Other questions were as follows: Was the U.S. completely ruling out disclosure of origin or would a solution that does not present a burden be acceptable? The final question asked was if the U.S. has considered moving the genetic resources and traditional knowledge discussions wholly into the WIPO forum.

Visit London's Classified Website:

http://www.intelink.sgov.gov/wiki/Portal:United_Kingdom

SUSMAN